

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.21603 of 2005

06-12-2005

Between:

Smt. Yerkamma and others.

...Petitioners.

And

The Sub-Registrar (Stamps & Registration),

Badwel, Kadapa District and another.

...Respondents.

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ORDER :

This writ petition is filed by the petitioners aggrieved by the action of the second respondent in issuing proceedings Rc.No.A3/5556/02, dated 29-4-2003 under which the Sub-Registrar, Badwel, was directed not to register the lands in certain survey numbers claiming that those lands belongs to the Endowment Department. In view of the said proceedings, according to the petitioners, the document presented by the petitioners in respect of Sy.Nos.846, 903, 818/2, 819 and 821/3 of Madkalavaripalli village, Badvel, Kadapa District were rejected, therefore, the petitioners sought for declaration that the proceedings issued by the second respondent is illegal and without jurisdiction.

Heard learned counsel for the petitioners and the learned Government Pleader for Revenue, and none appeared for the second respondent-Endowments Department.

The learned Government Pleader has fairly conceded that it is only the State Government, which has got the power under Section 22-A of the Registration Act, 1908. As per the said provision, the State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents opposed to the public policy be prohibited, and basing on such notification, the registering authority can refuse to register any document to which such notification issued by the Government is applicable. In the present case, admittedly, no such notification was issued by the Government invoking the powers under Section 22-A of the Registration Act, but however, the second respondent issued a communication on 29-4-2003, directing the registering authority not to register the lands specified therein until further orders, claiming that the lands belongs to the subject temple viz., Sri Prasannanjaneya Temple, Madkalavaripalli. The said communication issued by the second respondent is clearly illegal and without jurisdiction and the first respondent is not obligatory to act upon such illegal communication issued by the second respondent. The impugned order is, therefore, set aside as the same was issued without having such powers.

The writ petition is accordingly allowed at the admission stage.

(S.ANANDA REDDY,J)

06-12-2005.

Msr.

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(Msr)